

The Honorable Mary Alice Theiler

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUMANE SOCIETY-WESTERN REGION,
d/b/a HAPPY PAWS FARMS, a
Washington non-profit corporation,

Plaintiff,

vs.

SNOHOMISH COUNTY, a political
subdivision of the State of Washington,

Defendant.

NO. C05-0377

STIPULATED MOTION AND
ORDER FOR CONTINUANCE OF
TRIAL DATE AND RELATED DATES

**NOTE ON MOTION CALENDAR:
For December 2, 2005**

Without Oral Argument

MOTION

Jointly, the parties respectfully request this Court issue an order continuing the trial date of June 19, 2006, and continuing all other pre-trial deadlines in conjunction with the new trial date.

It is STIPULATED AND AGREED between the parties, Human Society – Western Region d/b/a HappyPaws Farm, through its attorney of record, Delaney L. Miller, and Snohomish County, by and through its attorney of record, Michael C. Held, that continuation of the trial date and all corresponding pre-trial deadlines is necessary to permit the parties to thoroughly complete discovery, to further explore the potential for future settlement and, if necessary, prepare for trial.

STIPULATED ORDER OF CONTINUANCE [PROPOSED] -- CASE
NO. C05-0377-MAT

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1 The decision to grant a trial continuance is within the sound discretion of the trial
 2 court. *Martel v. County of Los Angeles*, 34 F.3d 731, 733 (9th Cir. 1995). It is
 3 appropriate to allow a continuance of the trial date to permit the parties to take
 4 reasonable discovery. *Id.* at 734.

5 Since the issuance of the Order Setting Trial Date and Pretrial Schedule in this
 6 case on May 11, 2005, the pre-existing trial schedules of counsel for plaintiff and
 7 defendant have remained uncharacteristically intact. The pressing needs of trials set in
 8 January (*Kasch v. Snohomish County*, Snohomish County Cause No. 03-2-01676-2),
 9 February (*Barrus v. Monk*, King County Cause No. 04-2-20669-3 SEA; *Bryan v. ICON*
 10 *Fitness*, Lane County (OR) Cause No. 16 05 00164), March (*Wienker v. Cooper Wiring*
 11 *Devices*, W.D. Washington Fed. Dist. Court Cause # C04-5746JKA), and May
 12 (*Amundsun, Harrell and Dutton v. Snohomish County*, King County Cause No. 04-2-
 13 35630-0SEA) have, and will continue to, compromise the parties' ability to thoroughly
 14 and timely complete discovery in this case. To date, the parties have exchanged and
 15 reviewed many hundreds of pages documents which are expected to engender
 16 additional requests for discovery. Both the liability and damages prongs of this lawsuit
 17 may fairly be characterized as somewhat complex. There are nearly two dozen
 18 witnesses who were involved in numerous factually significant events which has given
 19 rise to multiple legal theories of liability, damages and defense. Given the collectively
 20 crowded trial schedules of both counsel, the remaining time allowed under the current
 21 discovery cut-off is not sufficient to permit the compilation, review, and analysis of all
 22 outstanding discoverable material and testimony. Additional time beyond that currently
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1 allotted is necessary for both parties to assess the merits of the pleaded claims and
2 defenses. The parties do not intend to unnecessarily delay the proceedings but rather
3 request a modest continuance of the trial date and all related pre-trial deadlines to
4 ensure the proper completion of discovery and advance the prospect of a resolution
5 without a trial.

6
7 THEREFORE, the parties respectfully move this Court for a continuance of the
8 trial date from June 19, 2006, to the first available trial date on or after October 16,
9 2006, and also move this Court to issue a revised case schedule in conjunction with the
10 new trial date.

11 DATED this 2nd day of December, 2005.

12
13 JANICE E. ELLIS
14 Snohomish County Prosecuting Attorney

15 By /s/
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22 /s/
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ORDER

The undersigned Judge of the United States District Court for the Western District of Washington, having considered the foregoing Stipulated Motion for Continuance of Trial Date and Related Dates of the parties;

NOW, THEREFORE, said motion is granted. The new trial date will be November 16, 2006. The Court will issue a new scheduling order for intermediate dates pursuant to the new trial date.

DATED this 5th day of December, 2005.

s/ Mary Alice Theiler
UNITED STATES MAGISTRATE JUDGE

Presented by:

JANICE E. ELLIS
Snohomish County Prosecuting Attorney

By /s/
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And by:

/s/
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CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: dmiller@cozen.com.

/s/ Michael C. Held
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